




Approved by: Juan Williams, Commissioner	Policy Number: 12-022 (Rev. 04/19)
Signature: 	Supersedes: 11-030, 89-031, 12-022
Application: Executive Branch Agencies, Human Resource Officers	Effective Date: June 1, 2015
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-301, T.C.A. § 8-30-303, T.C.A. § 8-30-304, T.C.A. § 8-30-305, T.C.A. § 8-30-306	Rule: Chapter 1120-02

Employment Lists

Pursuant to Tenn. Code Ann. § 8-30-305, the Commissioner of the Department of Human Resources shall establish and maintain a list of eligibles for various classes of positions as the Commissioner deems necessary or desirable to meet the needs of the service. An eligible list is defined as a list of names of all qualified applicants for a position to the preferred service.

A name on an eligible list may be removed from an eligible list for any of the following reasons:

1. The eligible receives a regular appointment;
2. The eligible declines an employment offer for the announced position;
3. The eligible fails to respond within five (5) days of an invitation to interview;
4. The eligible cannot be located;
5. The eligible falsifies any material fact;
6. The eligible has been convicted of a crime related to the position for which he or she has applied;
or
7. Any cause which allows rejection or disqualification of the applicant under Tenn. Code Ann. Title 8, Chapter 30 or the Rules of the Department of Human Resources.

An applicant will not be removed or disqualified because of his or her legal residence. Out-of-state or non-resident applicants must be given the same consideration as residents of the state. Non-resident applicants should not be confused with non-U.S. citizen applicants, for whom there are other considerations.

When a vacancy occurs in one (1) or more established positions in a classification, the appointing authority may request a list to fill the position. The Commissioner of the Department of Human Resources must certify a referred list when an appointing authority wants to fill a vacancy.

A referred list is the document or record containing the names of the eligible applicants meeting the minimum qualifications for a class of positions for the appointing authority to utilize when filling a vacancy.

In establishing a referred list, the Department may post a public announcement, for a minimum of one (1) week, which allows qualified applicants to apply for positions within state government. These announcements are grouped as follows:

- Continuous - announced for an indefinite period of time with no closing date indicated on the posting.
- Regular - announced for a definite period of time, generally one (1) week, with a specified closing date. DOHR may extend the posting as necessary to attract more applicants.
- Promotional - announced to be filled by current state employees only. The posting can be narrowed by the department, the division, or the specific unit where the vacancy is located. Promotional lists may include employees who are on any type of extended leave status. Extended leave status may include leave due to suspension, special leave without pay, division of claims administration leave, sick leave bank leave, educational leave, parental leave, or military leave.

Employees who are on extended leave status should be considered for vacancies in the same manner as any other employee on a promotional list. If the employee applicant does not respond to the request to interview within a reasonable time frame or as specified by the agency, the agency can remove the employee's name from the list. If the employee is not available to interview due to the circumstances of the extended leave, the agency can designate the employee as "unavailable" on the list.

Applicants who are also listed on an active Layoff List shall be eligible to apply for any posted promotional preferred service position in accordance with the provisions of Policy 12-061.

- Incumbent Reclassification – Not announced. The incumbent reclassification list shall be used only when a filled position is reclassified and the position incumbent is already performing the functions of the reclassified position. When a filled position is reclassified, the appointing authority shall request a list to reclassify the position incumbent.

The Commissioner reserves the right, as necessary for the efficient operation of the executive branch of state government, to establish other lists beyond those outlined in this policy.

Questions regarding establishing, maintaining, and certification of lists, and promotional list eligibility for employees on extended leave may be directed to the Agency Resource Center (ARC).